

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

EDWARD C. GELLOCK,

Plaintiff,

v.

PRISON HEALTH SERVICES, INC.,  
et al.,

Defendants.

Civil Action No. 07-8 Erie

**MEMORANDUM JUDGMENT ORDER**

\_\_\_\_\_ Plaintiff's civil rights complaint was received by the Clerk of Court on January 19, 2007 and was referred to United States Magistrate Judge Susan Paradise Baxter for report and recommendation in accordance with the Magistrates Act, 28 U.S.C. § 636(b)(1), and Rules 72.1.3 and 72.1.4 of the Local Rules for Magistrates.

The Magistrate Judge's report and recommendation, filed on June 8, 2009 [79], recommends that the motion for summary judgment filed by Defendant Prison Health Services, Inc. [63] and the motion for summary judgment filed by Defendants PA. Department of Corrections, Deputy Supt. Nancy Giroux, and Maxine Overton, R.N. [70] be granted. The parties were allowed ten (10) days from the date of service in which to file objections. Service was made on the Plaintiff by certified mail at SCI Albion, where he is incarcerated, and on Defendants. No objections have been filed to date by Plaintiff. After de novo review of the complaint and documents in the case, together with the report and recommendation, the following order is entered:

AND NOW, this 8<sup>th</sup> day of July, 2009; IT IS ORDERED that:

1. The motion for summary judgment filed by Defendant Prison Health Services, Inc. [63] be, and hereby is, GRANTED; and
2. The motion for summary judgment filed by Defendants PA. Department of Corrections, Deputy Supt. Nancy Giroux, and Maxine Overton, R.N. [70] be, and hereby is, GRANTED.

IT IS FURTHER ORDERED that JUDGMENT be, and hereby, is entered in favor of DEFENDANTS and against Plaintiff as to all of the Plaintiff's remaining federal claims.

IT IS FURTHER ORDERED that Plaintiff's state law negligence claim be, and hereby is, DISMISSED without prejudice pursuant to 28 U.S.C. § 1367(c)(3), inasmuch as there are no claims remaining in this case over which this Court has original subject matter jurisdiction and this Court declines to exercise supplemental jurisdiction over said state law claim.

The report and recommendation of Magistrate Judge Baxter, filed on June 8, 2009 [79], is adopted as the opinion of this Court.

s/ SEAN J. McLAUGHLIN  
Sean J. McLaughlin  
United States District Judge

cc: all parties of record  
U.S. Magistrate Judge Baxter